IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE M.NARAYANA REDDY**

**WRIT APPEAL NO : 2001 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24/11/2004 in WP NO : 7336 OF 2004 on the file of the High Court.)

Between:

T.Lakshminarasimha Rao, S/o.Late T.Lakshmana rao,
R/o.Gujarathipeta, Srikakulam, Srikakulam District.

**..... APPELLANT**

AND

1. The State Transport Appellate Tribunal, A.P.Hyderabad, rep.by its Presiding officer, Manoranjan Complex, Near Ajantha Gate, Mojahamjahi Road, Hyderabad.

2. The State Transport Authority, A.P.Hyderabad, Sri Burgula Ramakrishna Rao office Complex, Tank Bund Road, Hyderabad by its Secretary.

3. Smt. M.Annapurnamma, W/o.Late M.V.Ramadas, R/o.25-12-3,L.K.Gardens, Vizianagaram, Vizianagaram Dist.

4. The APSRTC., rep.by its Managing Director, Musheerabad, Hyderabad.

**.....RESPONDENTS**

**Counsel for the Appellant:MR.T.VENKATA RAMANA**

**Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT**

**Counsel for the Respondent No.3: Smt.Akella Padma**

**Counsel for the Respondent No.4: Mr.K.Sreenivasa Rao**

**The Court made the following :**

ORAL ORDER: (per the Hon'ble the Chief Justice)

We have heard the counsel for the appellant whose writ petition was dismissed by learned single Judge. We find no force in this appeal as well for the self same reason as noticed by learned single Judge dismissing the writ petition. Appellant seeks impleadment as third respondent in R.P.No.449 of 2003 filed by the third respondent wherein prayer is for grant of route permit or renewal of earlier route permit. Appellant is the existing operator on the said route. Learned single Judge noticed that in such circumstances, it is not open to a private operator who is himself operating on a route on account of modification of the scheme to seek a writ of mandamus to the authority not to grant permit to any other private operator on that route or a route overlapping a portion of the route. In case the private operator who is operating on the nationalized route has grievance that number of private operators specified in the notified scheme is being exceeded, then the permit issued to the operator in excess of the specified limit may be challenged before the statutory forum in accordance with the provisions of the Motor Vehicles Act.

In that view of the matter, there is no force in the appeal, which is hereby dismissed.

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DEVINDER GUPTA, CJ

10-12-2004

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M.NARAYANA REDDY, J

Tvr

To

1. The Presiding Officer, State Transport Appellate Tribunal, A.P.Hyderabad, Manoranjan Complex, Near Ajantha Gate, Mojahamjahi Road, Hyderabad.

2. The Secretary, State Transport Authority, A.P.Hyderabad, Sri Burgula Ramakrishna Rao office Complex, Tank Bund Road, Hyderabad.

3. The Managing Director, APSRTC., Musheerabad, Hyderabad.

4. 2 CCs to the Govt. Pleader for Transport, High Court Buildings, Hyderabad, (OUT).

5. 2 CD copies.